



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,431	06/16/2000	David Weiss	2420-0016	2886
22204	7590	05/31/2005	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			AVELLINO, JOSEPH E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,431

Applicant(s)

WEISS, DAVID

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,15-55,57-62 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,15-55,57-62 and 64-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-12, 15-55, 57-62, and 64-67 are presented for examination; claims 1 and 45 independent.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March, 2, 2005 has been entered.

Claim Rejections - 35 USC § 112

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 55 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 55 recites "said vehicle on-board computer" which lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-5, 7-9, 12, 15-22, 25, 32-38, 41, 45-49, 52, 57-60, and 64-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Browning (USPN 6,081,629) (cited by Applicant in IDS dated March 2, 2005).

7. Referring to claims 1 and 45 (e.g. exemplary claim 1), Browning discloses a computer architecture for providing a bridge between tangible media and computer media, said computer architecture comprising:

a server computer system including a database and a server control program (i.e. database) (col. 5, lines 55-67);

a portable client device 10 including a bridge control program 18 and an input device 16, said device adapted to receive and store bridge codes (i.e. barcodes) associated with tangible media objects entered via the input device (Figure 3; col. 4, lines 4-5, 15-40; col. 5, lines 55-67);

a communication channel coupling said bridge server and said client device to download the previously stored bridge codes from the client device to the bridge server computer system (Figure 4; col. 5, lines 55-67);

whereby said server control program is operative

to query said database on the received bridge codes (col. 5, lines 55-67);

to display a plurality of links to computer media on a client computer system that is different from said portable client device, wherein the links correspond to the received bridge codes (col. 4, lines 52-65; col. 5, lines 55-67).

8. Referring to claim 3, Browning discloses the links are displayed on a web page (it is inherent that when a web page is retrieved in a browser, the link is displayed in the address bar of the browser (col. 5, lines 55-67)).

9. Referring to claim 4, Browning discloses the portable device communicates with the client computer system via a local communications channel selectively coupling said client computer system to said portable client device, said input device being disposed in said portable client device and the bridge code being uploaded from said portable client device to said client computer (Figure 4; col. 3, line 45 to col. 4, line 15).

10. Referring to claim 5, Browning discloses action commands comprise instructions for displaying a web page sorted on a separate content server (col. 4, lines 42-65).

11. Referring to claims 7 and 8, Browning discloses the local communications channel is either IR or RF (col. 3, lines 45-67).

12. Referring to claim 9, Browning discloses downloading data (i.e. a web page) to the client computer system (col. 4, lines 42-65).

13. Referring to claim 12, Browning discloses said data comprises a computer media copy of information related to an article in the tangible media object (one of ordinary skill would understand that the home page of a product's manufacturer would inherently have information related to the article of the tangible media object) (col. 5, lines 55-67).

14. Referring to claim 15, Browning discloses wherein one of the plurality of links is to a vendor Web site for facilitating purchase of a product described in the tangible media object (col. 5, lines 55-67).

15. Referring to claim 16, Browning discloses the input device is a bar code reader (col. 5, lines 55-67).

16. Referring to claims 17 and 18, Browning discloses the computer network is the Internet (col. 3, lines 25-45).

17. Referring to claim 19, Browning discloses the client computer system comprises a wireless communication device (i.e. IR or RF signals inherently require a wireless comm.. device) (col. 3, lines 55-65).

18. Claims 20-22 are rejected for similar reasons as stated above.

19. Referring to claim 25, Browning discloses the wireless communication device is a personal digital assistant (i.e. handheld scanner) having wireless communications capabilities (Figure 4).

20. Claims 32-38, 41, 45-49, 52, 57-60, and 64-67 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

21. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 23, 24, 28-31, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning.

22. Referring to claim 6, Browning discloses a computer architecture providing a bridge between tangible media and computer media as stated in the claims above. Browning does not specifically disclose that the portable client device is a wireless phone. However, it is well known in the art that wireless phones can connect to computers in order to transfer information between them (i.e. download calendars, upload to-do lists, etc.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Browning to include a portable device as a wireless phone in order to provide a mobility factor to the user,

Art Unit: 2143

enabling the user to transfer information entered earlier while the person was out to the computer when they get home.

23. Referring to claims 23 and 24, Browning discloses the invention substantively as described in claim 19. Browning does not specifically disclose the wireless communication device is a cellular digital phone, however it is well known that cellular phones have wireless capabilities (i.e. IR or Bluetooth) which allow it to communicate with wireless networks as well as allow input via keypad or voice capabilities (i.e. voice dialing). By this rationale, "Official Notice" is taken that both the concept and advantages of providing for a cellular phone as a wireless comm. device is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Browning to incorporate the scanner into a cellular phone in order to reduce the number of articles carried by the user, since people normally carry around cellular phones, it would facilitate the use of the invention and allow the invention to be utilized by a new market of users.

24. Claims 28-31, 61, and 62 are rejected for similar reasons as stated above.

Claims 10, 11, 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning in view of Philyaw (USPN 6,708,208) (cited in previous Actions).

25. Referring to claim 10, Browning discloses the invention substantively as described in claim 9. Browning does not specifically disclose the data comprises a computer media copy of an article in a media object. Philyaw discloses another computer architecture to facilitate communication of bridge codes wherein the data comprises a computer media copy of an article in the tangible media object (i.e. information in newspapers) (col. 15, lines 45-50). By this rationale, one of ordinary skill in the art would understand it would be feasible to be able to provide a media copy of the article as seen in the newspaper and would have found it obvious to do so since related information is shown, and therefore can display the information about the product.

26. Referring to claim 11, Browning discloses the invention as stated in claim 9. Browning does not state the data is a computer media coupon related to products described in the media object. In analogous art, Philyaw discloses another computer architecture to facilitate communication of bridge codes wherein the data is a computer media coupon related to products described in the media object (col. 15, lines 20-25). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Philyaw with Browning since Browning discloses an example of the URL to be a home page of the product's manufacturer. This would lead one of ordinary skill in the art to search for novel methods for use in facilitating purchase of a product using a bar code eventually finding the system disclosed in Philyaw

Art Unit: 2143

whereby this scanned information is then used to generate a URL to obtain information over the Internet (e.g. abstract).

27. Claims 39, 40, 50-51 are rejected for similar reasons as stated above.

Claims 26-27, 42-44, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning and further in view of Caci (USPN 6,154,658).

28. Referring to claim 26 and 27, Browning discloses the invention substantively as described in claim 19. Browning do not disclose the wireless communication device is a vehicle on-board computer. In analogous art, Caci discloses a computer architecture to bridge tangible media (i.e. bar codes) with computer media (i.e. the vehicle) which includes the wireless communication device is a vehicle on-board computer with navigational system (Figure 2, ref. 38-41). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Caci with Browning to provide motility to the user as well as for convenience and applicability.

29. Claims 42-44, and 53-55 are rejected for similar reasons as stated above.

Response to Arguments

30. Applicant's arguments with respect to claims 1, 3-12, 15-55, and 57-62, and 64-67 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

31. Applicant expressed interest in an interview to discuss the amendment submitted with the Request for Continued Examination. However in light of the amendment and the art supplied by the IDS submitted, the Examiner felt that an interview would not further advance prosecution until Applicant had sufficient time in order to view the Examiner's rejections for the cited art and contemplate proposed amendments in order to overcome the rejections. Applicant is invited to contact the Examiner if Applicant still wishes to conduct an interview to discuss any potential amendments.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

33. Browning (USPN 6,707,581) discloses remote information access system with utilizes handheld scanner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

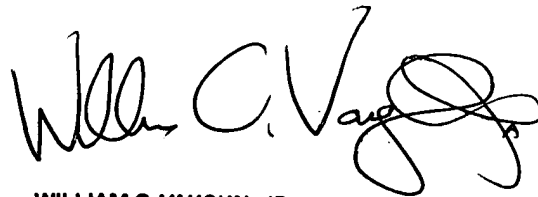
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
May 19, 2005



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER